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असाधारण

EXTRAORDINARY

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PART II—Section 2

प्राधिकार से प्रकाशित

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इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके
Separate paging is given to this Part in order that it may be filed
as a separate compilation

LOK SABHA

The following Bill was introduced in Lok Sabha on 18th June, 1977:—

BILL No. 49 OF 1977

A Bill to amend the National Highways Act, 1956

BE it enacted by Parliament in the Twenty-eighth Year of the Republic of India as follows:—

1. This Act may be called the National Highways (Amendment) Act, 1977. Short title.

48 of 1956. 2. In section 7 of the National Highways Act, 1956 (hereinafter referred to as the principal Act), in sub-section (1),— Amendment of section 7

(i) after the words "the use of ferries," the words, figures and letters "permanent bridges the cost of construction of each of which is more than rupees twenty-five lakhs and which are opened to traffic on or after the 1st day of April 1976," shall be inserted;

(ii) the following proviso shall be inserted, namely:—

"Provided that if the Central Government is of opinion that it is necessary in the public interest so to do, it may, by like notification, specify any bridge in relation to the use of which fees shall not be leviable under this sub-section".

3. In section 9 of the principal Act,—

(i) for clause (b) of sub-section (2), the following clause shall be substituted, namely.— Amendment of section 9

“(b) the rates at which fees for services rendered in relation to the use of ferries, permanent bridges, temporary bridges and tunnels on any national highway may be levied, and the manner in which such fees shall be collected, under section 7;”;

(ii) after sub-section (2), the following sub-section shall be inserted, namely:—

“(3) Every rule made under this section shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule”.

Amend-
ment of
section 10.

4. In section 10 of the principal Act, the portion beginning with the words and figure “and all rules made under section 9” and ending with the words “or the session immediately following” shall be omitted.

STATEMENT OF OBJECTS AND REASONS

Section 7 of the National Highways Act, 1956, empowers the Central Government to levy fees for services or benefits rendered in relation to the use of ferries, temporary bridges and tunnels on national highways. This section does not enable the levying of such fees on permanent bridges. With a view to facilitating the raising of additional resources for the development of national highways, it is proposed to amend the said section 7 so as to enable such fees being levied on permanent bridges costing more than rupees 25 lakhs and opened to traffic on or after 1st April, 1976. It is also proposed to include an enabling provision to exempt any bridge from the payment of fees if it is considered necessary in the public interest.

2. Opportunity is also being availed of to make some consequential amendments in the Act.

3. The Bill seeks to achieve the above.

NEW DELHI;
The 6th June, 1977.

MORARJI DESAI.

FINANCIAL MEMORANDUM

Clause 2 of the Bill seeks to amend section 7 of the National Highways Act, 1956 so as to empower the Central Government to levy fees on permanent bridges also on national highways. It is proposed to levy fees on all permanent bridges costing more than Rs. 25 lakhs and opened to traffic on or after 1st April, 1976. The collection of fees would necessitate the construction of fee collection booths, including barracks type staff accommodation, improvement of roads, etc, near such fee collection booths. Though the cost on this account will be recovered from road users as investment forming part of the cost of the bridge, this will involve a non-recurring expenditure of about Rs 5 lakhs per booth. Some staff will also have to be employed for the purpose of collection of fees. The recurring expenditure on the employment of staff and other incidental matters would be of the order of about Rs 52 lakhs in the beginning for all the bridges to be covered by the proposed levy which works out to about Rs. 75,000 to Rs. 1 lakh per bridge on an average.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 3 of the Bill proposes to amend clause (b) of sub-section (2) of section 9 of the National Highways Act, 1956, so as to enable the Central Government to make rules to provide for the rates at which fees for services rendered in relation to permanent bridges costing more than rupees 25 lakhs and opened to traffic on or after 1st April, 1976 on any national highway may be levied and the manner in which such fees shall be collected.

2. The matters in relation to which the power to make rules is proposed to be conferred on the Central Government are matters of procedure and detail. The delegation of the legislative power is, therefore, of a normal character.

AVTAR SINGH RIKHY,
Secretary

